

AT THE UNITED STATE DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED - GR

May 17, 2023 1:38 PM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY:JMW SCANNED BY: JB/5/23

Joanne Vukin,
c/o: MONTCALM COUNTY TREASURER,
Regarding: Case File No. 22-k-29102-AA,

Plaintiff,

v.

Lone Star Enterprises,
'Common Law Trust', Private Property,
Mich. Const. Article 3, Sec. 7,

Aggrieved.

Case No. _____

Hon. _____

1:23-cv-517

Jane M. Beckering
U.S. District Judge

Regarding:
Judge: SUZANNE HOSETH KREEGER
Attorney (P56466) Complaisant.
with Suzanne Hoseth Kreeger
and Joanne Vukin
Foreclosure on a Federal Land Patent
Parcel No. 59017-008-009-40
28 USC Sec. 1331, Federal Question

PARTIES TO THE CONTROVERSY

Andrew Stuart Ouwenga, Trustee,
c/o: P.O. Box 672
Howard City, MI [49329]
(231) 414-3829

Joanne Vukin, c/o:
JOANNE VUKIN, MONTCALM
COUNTY TREASURER,
P.O. BOX 368, 211 W. MAIN ST.
STANTON, MI 48888-0368

Susan Kreeger, - c/o:
MONTCALM COUNTY CIRCUIT
COURT COMPLEX, 639 N. STATE
ST. STANTON, MI 48888

See Certificate of Service below

NOTICE TO AGENT IS NOTICE TO PRINCIPAL – NOTICE TO PRINCIPAL IS NOTICE TO AGENT.
Date: 05/22/2023

- 'JUDICIAL NOTICE' AT BAR –
WRIT OF MANDAMUS
Under the 'Common Law'

1.] CERTIFICATION OF NATIONALITY AND STATUS:

NOW COMES, by **Special Visitation**(# 5), the undersigned, Andrew Stuart: Ouwenga, a
'living Soul', Trustee of the 'Common Law' private trust; Lone Star Enterprises; the assigned to a
Federal Land Patent. I am an "Ambassador-at-Large" (# 15, # 17), a 'Citizen of the 'Kingdom of
Heaven'; a 'Citizen of the Free City", the 'Real Party in Interest', "At BAR" (# 8); the 'Secured Party
Creditor' without the CORPORATE United States, being one of the people in the - "The united
States of America", in the Republic; the Commonwealth of Michigan; a 'Michigan National'; the
"Principal"; "Ex parte" 'In its primary sense' (# 6), **Sui juris**, the private 'Conventional Person' of the
'Signatory'; a

'living soul' the "**Corporeal**", Superior Court of Record (1 Cor. 6:2, Matt. 19:28, Luke 22:30) under '**Common Law**', MRE Rule 202; is not a 'legal successor'; but the 'Principal' having the "**Right of Privacy**" under "**Private International Law**" being outside the CORPORATE inferior 'Court of Equity' "religious society".

[Footnote numbers referenced as - (#__)]

2.] I DO NOT CONSENT (28 USC Sec. 636(c)(2)) "nor was I advised" of having the right to NOT CONSENT to the session of court, which was held on the 10th. of February 2023 by the ORDER AND JUDGMENT OF FORECLOSURE originated in the Matter of the PETITION(# 3), an 'Ex parte' (# 4) communication by the Montcalm County Treasurer. . .". The action was not in the NAME OF THE PEOPLE OF THE STATE OF MICHIGAN, as such, the 'incorporeal' 8th. Judicial Circuit Court was not a "Court of Record" of the 'People', as required under **MCL 600.1414**(# 1), as such "has no power to investigate facts or to initiate proceedings".

The 'Incorporeal'(# 7) CORPORATE(# 9, #10) 8th. Judicial Circuit Court of Montcalm County's (# 5) 'color of law' religious venue (Mich. Const. Art. 1, Sec. 4) who is complaisant with the County Treasurer in its use of the PETITION(# 3), an unlawful 'Ex parte'(# 4) communication having only a 'color of law' interest in private land which is exempt from taxation being held under a Federal Land Patent.

The 'Corporate' ORDER DENYING REQUESTED RELIEF from taxation on private land held under a Federal Land Patent in Case No. 22-K29102-AA, is an ORDER from a private local 'religious society', yet this matter is the subject of a Federal Question under 28 USC Sec. 1331; the matter is outside the jurisdiction of the CORPORATE(# 9, # 10) 8th. Judicial Circuit Court of Montcalm County.

FOOTNOTES:

1.) **MCL 600.1414 Style of process.** - Sec. 1414. - - The style of process from courts of record shall be: "In the Name of the People of the State of Michigan."

FOOTNOTES:

2.) [BLD 4th.] **Courts of record and courts not of record.** “The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded.”

3.) [BLD 4th.] **PETITION**, “A written address, embodying an application or prayer from the person or persons preferring it, to the power, body, or person to whom it is presented, for the exercise of his or their authority in the redress of some wrong, or the grant of some favor, privileges, or license.” In practice. An application made to a court ‘ex parte’, or where there are **no parties in opposition**, praying for the exercise of the judicial powers of the court in relation to some matter which is not the subject for a suit or action, or for authority to do some act which requires the sanction of the court; as for the appointment of a guardian, for leave to sell trust property, etc.”

4.) Ex parte’ communication with the Court is unlawful.

18 USC Rule 2.9: Ex Parte Communications

(A) A judge shall not initiate, permit, or consider ex parte communications, or consider other communications made to the judge outside the presence of the parties or their lawyers, concerning a pending* or impending matter,*

5.) [BLD 4th.] **VISITATION**, “Inspection; superintendence direction; regulation.” – “As applied to corporations, means, in law, the act of a superior or superintending officer who visits a corporation to examine into its manner of conducting business and to enforce an observance of its laws and regulations.” – “Also a power given by law to the founders of all eleemosynary corporations.” – “In England, the visitation of **ecclesiastical** corporations belongs to the ordinary.”

6.) [BLD 4th.] **EX PARTE**, “In its primary sense, *ex parte*, as applied to an application in a judicial proceeding, means that it is **made by a person who is not a party to the proceeding**, but who has an interest in the matter which entitles him to make the application. Thus, in a **bankruptcy proceeding** or an **administration action**, an application by A. B, a **creditor**, or the like, would be described as made “*ex parte* A. B.” *i. e.*, on the part of A. B.”

7.) [BLD 4th.] **COURT**, “An incorporeal, political being, composed of one or more judges, who sit **at fixed times and places**, attended by proper officers, pursuant to lawful authority, for the administration of justice”. (*State v. Le Blond*, 108 Ohio St. 126, 140 N.E. 510, 512)
- “It is a passive forum for adjusting disputes and **has no power to investigate facts** or to initiate proceedings.”

8.) [BLD 4th.] **BAR**, “In the practice of **legislative bodies**, the outer boundary of the house; therefore, all **persons, not being members**, who wish to address the **house**, or are summoned to it, appear **at the bar** for that purpose.”

9.) [BLD] Defines a **corporation** as, “an artificial person or legal entity created by or under the authority of the laws of a state. . . . Such entity subsists as a body politic under a special **denomination**, which is regarded in law as having a personality and existence distinct from that of its several members.”

10.) [BLD] Defines **denomination** as, “A society of individuals known by the same name, usually a **religious society**.”

11.] **Mich. Const. Article 1, Sec. 4 Freedom of worship and religious belief; appropriations.**
Sec. 4. Every person shall be at liberty to worship God according to the dictates of his own conscience. No person shall be compelled to attend, or, against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn

FOOTNOTES:

from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose. The civil and political rights, privileges and capacities of no person shall be diminished or enlarged on account of his religious belief

12.) **28 USC Sec. 636 (c)(2) states**, - "If a magistrate is designated to exercise civil jurisdiction under paragraph (1) of this subsection, the clerk of court shall, at the time the action is filed, notify the parties of the availability of a magistrate to exercise such jurisdiction. The decision of the parties shall be communicated to the clerk of court. Thereafter, either the district court judge or the magistrate may again advise the parties of the availability of the magistrate, - **[At this point the decision of accepting the magistrate or the district court judge is completed]** - but in so doing, shall also **[this is in addition]** advise the parties that they are free to withhold consent without adverse substantive consequences. Rules of court for the reference of civil matters to magistrates shall include procedure to protect the voluntariness of the parties consent."

13.) **28 USC Sec. 1604, Immunity of a foreign state from jurisdiction.**

- Subject to existing international agreements to which the United States is a party at the time of enactment of this Act a 'foreign state' shall be immune from the jurisdiction of the courts of the United States and of the States except as provided in sections 1605 to 1607 of this chapter.

14.) **Webster's New International Dictionary, 'Person' (7) Law**, is defined as, "The persons known to international law are 'states', - *T. E. Holland*, page #1609.

15.) **[BLD 4th.] An ambassador-at-large is a diplomat of the highest rank** or a minister who is accredited to represent their country. But unlike the ambassador-in-residence, who is usually limited to a country or embassy, the ambassador-at-large can be appointed to operate in several usually neighboring countries, a region or sometimes a seat of **international organizations** such as the United Nations or European Union. **In some cases, an ambassador-at-large may even be specifically assigned a role to advise and assist the state or Government in particular issues.** [An Article 4, Sec. 2 Citizen]

16.) **2 Corinthians 5:20**, "Therefore, we are **ambassadors for Christ**, as though God were making an appeal through us; we beg you on behalf of Christ, be reconciled to God."

17.) **"Ambassador" - WEBSTER'S NEW TWENTIETH CENTURY DICTIONARY UNABRIDGED – SECOND EDITION.**

1. The highest diplomatic representative that one sovereign power or state sends officially to another.

2. A special representative; **an ambassador-at-Large is one accredited to no particular country**; an *ambassador extraordinary* is one on a special diplomatic mission; an *ambassador plenipotentiary* is one having the power to make treaties.

3. An official herald, messenger, or agent with a special mission. *[Sent to a foreign country.]*
-- This definition is consistent with that of a 'Citizen' with liberty, accredited to no particular country as an **'ambassador-at-large.'**

18.) **Article 4, Section 2, Clause 1** states; – "The Citizens [Man] of each State shall be entitled to all Privileges and Immunities of Citizens in the several States."

4.] **JURISDICTIONAL STATEMENT**

"The 'Acts of Congress' includes any act of Congress locally applicable to and in force in the District of Columbia, in Puerto Rico, in a territory or in an insular possession," under 18 USC Rule 54(c) Application of Terms.

The DISTRICT COURT OF THE UNITED STATES has 'subject matter' jurisdiction over this WRIT based upon 28USC Sec. 1338, (a) "The district courts shall have original jurisdiction of any civil action arising under any Act of Congress relating to patents . . ." - "No State court shall have jurisdiction over any claim for relief arising under any Act of Congress relating to patents ."

(b) "The district courts shall have original jurisdiction of any civil action asserting a claim of unfair competition when joined with a substantial and related claim under copyright, patent . . ."

5.] **STATEMENT OF FACTS:**
MCR 7.212(C)(6)

NOW COMES, Andrew Stuart Ouwenga; Sui juris; Trustee; by 'special visitation'; Secured Party Creditor [Parcel No.59017-008-009-40 re: Case No. 22-k-29102-AA,] **private** patented property held by the assign to a 'land patent', which have become subjected to forfeiture and foreclosure; an imposition in the absence of any 'Law' which can be applied to 'private property' being outside 'public domain'; the jurisdiction of Michigan, or 'Contract' that would grant the Montcalm County Treasurer the status of having a 'Holder in Due Course' interest in said **private** property(ies) that would grant the 8th. Circuit Court on Montcalm County whose lack of Jurisdiction is noted in **MCL 211.1 & MCL 211.135**.

FOOTNOTES:

1.) **MCL 211.1 Property subject to taxation.** - Sec. 1, that all property, real and personal, within the jurisdiction of this state; not expressly exempted, shall be subject to taxation.

2.) **MCL 211.135, Recording of conveyances; tax certificate; excepted conveyances; register of deeds; violation; penalty.** - (6) This Section **does not apply** to any of the following:

(f) To any **patent** executed by the president of the United States or the governor of this state.

COURT CASES:

1.] - "**A patent** is absolute title to land, an exclusive title, or at least a title which excludes all others not compatible with it. A Perfect Title to land cannot exist at the same time in different persons or in different governments, a land patent excludes all others and governments. (BLD 4th)

- See *Bovey-Shute Lumber Co. v. Erickson*, 41 N.D. 465, 170, N.W. 628, 630.

2.]"**A patent** is the highest evidence of title, and is conclusive against the government and all claiming under junior patents or titles, until it is set, aside or annulled by some judicial tribunal."

- [(*Stone v United States*, 2 Wallace (69 U.S.) 765 (1865)]

3.] **"A patent is the highest evidence of title, and is conclusive against the government and all claiming under junior patents or titles, until it is set, aside or annulled by some judicial tribunal."**
- *[(Stone v United States, 2 Wallace (69 U.S.) 765 (1865)]*

4.] - "Whatever may be the equities in third person, the patentee has the legal title; and a State law cannot confer on the equitable owner the rights to maintain an action of ejectment against the patentee." - *Bagnell v. Broderick, 13 Peters, 436; 13 Cond. Reps. 325.*

5.] - MCL 211.78 (8)(b) "Forfeited" or "forfeiture" means a foreclosing governmental unit may seek a judgment of foreclosure under section 78k if the property is not redeemed as provided under this act, but does not acquire a right to possession or any other interest in the property.

6.] - In *Wilkinson vs. Leland*, 2 Peters's Reports, page 657, the court says:
That government can scarcely be deemed to be free, where the rights of property are left solely dependent upon the will of a legislative body, without any restraint. The fundamental maxims of a free government seem to require that the **rights of personal liberty and private property should be held sacred.** At least no court of justice in this country would be warranted in assuming that the owner to violate and disregard them – a power so repugnant to the common principles of justice and civil liberty – lurked under any general grant of legislative authority, or ought to be implied from any general expression of the will of the people. The people ought not to be presumed to part with rights so vital to their well-being, without very strong and direct expressions of such intention. In *Terrett vs. Taylor*, 9 Cranch, 43, **it was held by this court that a grant or title to lands once made by the legislature to any person or corporation is irrevocable**, and cannot be reassumed by any subsequent legislative act; and that a different doctrine is utterly inconsistent with the great and fundamental principle of a republican government, and with the right of the citizens to the free enjoyment of their property lawfully acquired.. **We know of no case in which a legislative act to transfer the property of A to B, without his consent, as ever be held a constitutional exercise of legislative power in any State of the Union.** On the contrary, it has been constantly rejected as inconsistent with just principles by every judicial tribunal in which it has been attempted to be enforced.

7.] A statute shall never have an equitable construction in order to overthrow or divest an estate. Every statute, derogatory to the rights of property, or that takes away the estate of a citizen, ought to be construed strictly.

- *VanHorne's Lessee v. Dorrance* 2 U.S. 304, 316 (F.Cas.) 2 Dall. 304(1795)

8.] "A patent issued, by the government of the United States is legal and conclusive evidence of title to the land described therein. No equitable interest, however strong, to land described in such a patent, can prevail at law, against the patent." - *[Land patents, opinions of the United States Attorney General's office, Sept (1869)]*

9.] It is not necessary to challenge the proposition that, as a general rule, the state, having power to deny a privilege altogether, may grant it upon such conditions as it sees fit to impose. But the power of the state in that respect is not [271 U.S. 583, 594] unlimited, and one of the limitations is **that it may not impose conditions which require the relinquishment of constitutionally secured rights.** If the state may compel the surrender of one constitutional right as a condition of its favor, it may, in like manner, compel a surrender of all. It is inconceivable that guaranties embedded in the Constitution of the United States may thus be manipulated out of existence.; Cf. *Public Licenses and Private Rights* (Barnett, 1953); 33 OLR 10, n. 32 (State's power to grant privilege on its own conditions is limited, so that it may not thereby require relinquishment of constitutional rights.); - *Frost & Frost Trucking Co. v. Railroad Commission* (1926) 271 U.S. 583, 593-594 *aff'd*. *U.S. v. Butler*, 297 U.S. 1, 71-72 (1936)

10.] *Redfield v. Fisher*, 135 Ore. 180, 292 P. 813, 819 (1930) (The individual, unlike the corporation, cannot be taxed for the mere privilege of existing. The corporation is an artificial entity which owes its existence and charter powers to the state; but the individuals' rights to live and own property are natural rights for the enjoyment of which an excise cannot be imposed. - 26 R.C.L.

Taxation § 209, p. 236; *Cooley, Taxation* (4th Ed.) § 1676; *In re Opinion of the Justices*, 195 Mass. 607, 84 N.E. 499.);

11.] The proper mode of proceeding to vacate an erroneous land patent is by bill in equity; the regularity of proceeding by *scire facias* in the country is doubted. In England, letters-patent are of record on the law side of the Chancery Court; wherefore there is a propriety there for the writ of *scire facias* to vacate a patent, that does not exist in the United States.

- *Jackson v. Lawton*, 10 Johns. 23, *contra*.

12.] A bill or information will lie in chancery to set aside a patent that has issued improperly; and being the surest mode, it is recommended to the Land Office.

- *Seward's Lessee v. Hicks*, 1 Har. & M'Henry, 24; - *Lord Proprietor v. Jennings*, *ib.* 92;

- *Bagnell v. Broderick*, 13 Pet. 436.

13.] The issuing of a patent for lands by the United States does not affect any rights subsisting between third persons and the patentee, growing out of contracts in relation to the land covered by the patent. The patent, to whomsoever issued, inures to the benefit of the party to whom the patentee is bound to convey it, or for whose use he ought in law to hold it.

- *Hennen v. Wood*, 16 La. An. 263.

14.] "Issuances of a government patent granting title to land is the most accredited type of conveyance known to our law."

- [(*United States v Creek Nation*, 295 U.S. 103 (1935);

see also *United States v. Cherokee Nation*, 474 F.2d 628 (1973)]

15.] "A patent of the United States; as a deed its operation is that of a quitclaim or rather of a conveyance of such interest as the United States possessed in the land."

- [(*Beard v. Federy*, 70 U.S. 478, 3 Wall, 478, 18 L.Ed.88. (1865)]

16.] "A patent is a complete appropriation of the land it describes; and at law, no defect in the preliminary steps can be tried." - *Stringer's Lessee v. Young*, 3 Peters, 320; *Boardman v. Reed's Lessees*, 6 Peters, 328; 10 Cond. Reps. 135.

17.] "Whatever may be the equities in third person, the patentee has the legal title; and a State law cannot confer on the equitable owner the rights to maintain an action of ejectment against the patentee." - *Bagnell v. Broderick*, 13 Peters, 436; 13 Cond. Reps. 325.

18.] "If the defendant have the prior patent for the land, the plaintiff can prevail in equity only by showing prior valid entries."

- *Hunt v. Wickliffe*, 2 Peters, 201; 8 Cond. Reps. 85.

19.] "The fee of lands sold by the United States, remains in the Government, until transferred by patent, which is a better legal title than a prior entry."

- *Carman v. Johnson*, 20 Missouri Reports, 108.

20.] "If a plaintiff in ejectment offers in evidence a patent of the United States and rests, the defendant is entitled to offer in evidence a State patent of prior date for the same land, accompanied with proof that the land was selected by the State as part of the five hundred thousand acres granted to the State, and that the United States approved of the selection

- *Megerle v. Ashe*, 27 Cal. 322.

21.] "The patent is conclusive evidence of the right of the patentee to the land described therein- not only as between himself and the United States, but as between himself and a third person, who has not a superior title from a source of paramount proprietorship."

- *Waterman v. Smith*, 13 Cal. 373.

22.] "A patent of land from the United states passes to the patentee all the interest of the United states, whatever it may be, in everything connected with the soil, or forming any portion of its bed, or fixed to its surface; in short, in everything embraced within the term 'land'."

- *Moore v. Smaw, and Fremont v. Flower*, 17 Cal. 199.

23.] A bill or information will lie in chancery to set aside a patent that has issued improperly; and being the surest mode, it is recommended to the Land Office. - *Seward's Lessee v. Hicks*, 1 Har. & M'Henry, 24; - *Lord Proprietor v. Jennings*, ib. 92; - *Bagnell v. Broderick*, 13 Pet. 436.

6.] IT IS MY UNDERSTANDING AND BELIEF that In Michigan, PROPERTY TAXES ARE RESTRICTED; **private land is EXEMPTED:**

According to Mich. Const. **Article 9, Sec. 5** taxes can only be applied to COMMERCIAL, INDUSTRIAL, AND UTILITY PROPERTY, not private real property and according to **Article 9, Sec. 3** taxation is restrict to only "REAL AND TANGIBLE PERSONAL PROPERTY" and does not include private land held under a FEDERAL LAND PATENT.

FOOTNOTES:

1.) Mich. Const. - **Article 9, Sec. 5**, quoting, ". . . The rate of taxation on such property shall be the average rate levied upon other commercial, industrial, and utility property in this state under the general ad valorem tax law."

2.) Mich. Const. - **Article 9, Sec. 3, Property taxation; uniformity; assessments; limitations; classes; approval of legislature.**

Sec. 3. The legislature shall provide for the uniform general ad valorem **taxation of real and tangible personal property not exempt by law** except for taxes levied for school operating purposes."

USURPATION OVER FEDERAL AUTHORITY

7.] According to the '24th. Congress. Sess. I, Ch. 99. 1836' states in pertinent part, "And the said State of Michigan shall in no case and under no pretense whatsoever, impose any tax, assessment or imposition of any description upon any of the lands of the United States within its limits."

FOOTNOTES:

24th. Congress. Sess. I, Ch.99. 1836.

Chapter XCIX – An Act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union upon the conditions therein expressed.

(a) Sec. 4, And be it further enacted, **that nothing in this act contained**, or in the admission of the said State into the Union as one of the United States of America upon an equal

footing with the original States in all respects, whatever, **shall be so construed or understood as to confer upon the people, Legislature, or other authorities of the said State of Michigan, any authority, or right to interfere with the sale by the United States, and under their authority, of the vacant and unsold lands said State therein, shall be regulated by future action between**

Congress, on the part of the United States, and the said State, or the authorities thereof. And the said State of Michigan shall in no case and under no pretense whatsoever, impose any tax, assessment or imposition of any description upon any of the lands of the United States within its limits. APPROVED, June 15, 1836.

8.] It is my understanding and belief that the Corporate MONTCALM COUNTY 8th. JUDICIAL CIRCUIT COURT acted outside its judicial authority under 28USC Sec. 1333 regarding Admiralty, Maritime prize cases.

FOOTNOTE:

28 U.S.C, Sec. 1333 Admiralty, maritime and prize cases.

The district courts shall have original jurisdiction, exclusive of the courts of the States, of:
Any civil case of admiralty or maritime jurisdiction, saving to suitors in all cases all other remedies to which they are otherwise entitled. Any prize brought into the United States and all proceedings for the condemnation of property taken as prize.

9.] It is my understanding and belief that a 'land patent' executed by the President of the United States of America did not place said property(ies) within the "Public Domain" of State and County interests, but has removed them from the "public Domain". The private property of the assigns to PATENTED property have PRE-EMPTION RIGHTS, securing private property rights to the Trustee and beneficiaries.

Montcalm County Treasurer is asserting an unlawful interest in a patent; "a claim of unfair competition to profit from land held under a patent" in light of **MCL 211.78 (8)(b)** under Act.206 of 1893, and **MCL 211.1** and **MCL 211.135**, the County does not have a right to the title of real property held under a 'land patent' from the Federal Government, which is outside the jurisdiction of the State and the CORPORATE Circuit County Court of Equity. The foreclosure concept is no more than a theory; an action under the 'color of law'; a criminal activity called RACKETEERING [MCL 750.159i].

The undersigned has given many NOTICES to the Treasurer, Joanne Vukin regarding her criminal activity and is now in DEFAULT.

FOOTNOTES:

1.) **MCL 211.78k - (2)** A person claiming an interest in a parcel of property set forth in the **petition for foreclosure** may contest the **validity** or correctness of the forfeited unpaid delinquent taxes, interest, penalties, and fees for 1 or more of the following reasons:

(c) - "the property is exempt from the tax in question . . .".

2.) **MCL 211.1 Property subject to taxation.**

Sec. 1, "that all property, real and personal, **within the jurisdiction** of this state; not expressly exempted, shall be subject to taxation."

3.) **MCL 211.135, Recording of conveyances; tax certificate; excepted conveyances; register of deeds; violation; penalty.**

(6) This Section **does not apply** to any of the following:

(f) To any **patent** executed by the president of the United States or the governor of this state.

4.) **'Land patent'** is defined [BLD 4th.] as, "*a muniment of title issued by a government or state for the conveyance of some portion of the **public domain**.*"

5.) **'Letters patent'** is defined [BLD 4th.] as "*open letters as distinguished from letters close. An instrument proceeding from the government, and conveying a right, authority, or grant to an individual, as a patent for a **tract of land**, or for the **exclusive right** to make and sell a new invention.*"

6.) The **GRANT OF PRE-EMPTION RIGHTS** in the United States: [BLD 4th.] - "A privilege accorded by the government to the actual settler upon a certain limited portion of the public domain, to purchase such tract at a fixed price to the exclusion of all other applicants"

7.) The **PRE-EMPTION CLAIMANT** [BLD 6th.] is, "one who has settled upon land subject to pre-emption, with the intention to acquire tile to it, and has complied, or is proceeding to comply, in good faith, with the requirements of the law to perfect his right to it"

10.] The assigns to **PATENTED** property which have been removed from **PUBLIC DOMAIN** are not within the jurisdiction of this State. The Governor of Michigan has not **NOTIFIED** the **MONTCALM COUNTY** nor the undersigned that the States accepted the relinquishment of federal jurisdiction as required under **MCR 3.192, 'Notice'** , as such, the undersigned's private patented properties are not within the jurisdiction of **STATE**.

FOOTNOTES:

1.) **STATE ACCEPTANCE OF JURISDICTION OVER U.S. LANDS (EXCERPT)**
Act 199 of 1987

MCR 3.192 Notice; written acceptance; recordation; filing; preparation of documents.

Sec. 2.

(1) After receiving from an officer, department, agency, or instrumentality of the United States a notice of relinquishment of federal jurisdiction, the governor shall send to the officer, department, agency, or instrumentality of the United States the state's written acceptance of jurisdiction, including the date upon which the acceptance shall become effective.

(2) A notice of relinquishment of federal jurisdiction and all documents constituting the state's acceptance of jurisdiction shall be recorded in the office of register of deeds for county or counties in which the federal lands or interests in lands are located, and then shall be filed with and retained by the secretary of state.

(3) The attorney general shall prepare all state documents or instruments necessary to constitute the state's acceptance of jurisdiction.

2.) **LIBRARY OF THE UNIVERSITY OF MICHIGAN, DEPARTMENT OF Law – 1909,
THE LAW OF TAXATION IN MICHIGAN**

§30. Specific Taxes.

The constitution provides that the state may impose specific taxes, which shall be **uniform**. The legislature may provide for the collection of specific taxes from banking, railroad, plank road, and other corporations, on a basis of the cash value of the property. The taxing power of a state is one of its attributes of sovereignty. Where there has been no compact with the federal government, or cession of jurisdiction, for the purposes specified in the constitution, this power reaches all of the property and business within the state which are not properly denominated the means of the general government, and it may be exercised at the discretion of the state. Whatever exists within its territorial limits in form of property, real or personal, with the exception stated, is subject to its laws; and also the numberless enterprises in which its citizens may be engaged". - Act 1'78 of Public Acts of 1901, does not authorize a bridge company, which does not own, lease, or operate, a railroad, to pay specific taxes'.

11.] IT IS MY UNDERSTANDING AND BELIEF that **MCL 600.413 & 410** represents the Michigan's CORPORATE policies and confirm that the CORPORATE 8th. Judicial Circuit Court does not come within the language of section 413 or 410, granting it the delegation of power to adjudicate matters coming before it. The 'plan of concurrent jurisdiction' is designed to 'benefit the Citizens' utilizing the court and not to the benefit of the courts or judges themselves(# 1, # 2, # 3).

"Man" is an **Article 4, Sec. 2**(# 18) Citizen with privileges and immunity, an organization; an unincorporated association of many organs(# 5, # 6), having a 'Conventional Person' in one of the several States being a corporeal 'Superior Court of Record'(# 7 thru # 25).

FOOTNOTES:

1.) MCL 600.410, Plan of concurrent jurisdiction; delegation; prohibition.

A plan of concurrent jurisdiction adopted under this chapter shall not include a delegation of any of the following: - (a) A power of appointment to a public office delegated by constitution or statute to the Circuit court or a circuit judge.

(c) A power to appointment to a public office delegated by law to the district court or a district judge, unless that power of appointment is delegated to a court or judge other than the circuit court or a circuit judge.

2.) MCL 600.413 Concurrent jurisdiction plans; design; objection to plan.

(1) Concurrent jurisdiction plans shall be designed to benefit the citizens utilizing the courts involved rather than the courts themselves or any judge or judges.

3.) [BLD 4th.] **CONCURRENT JURISDICTION**, "The jurisdiction of several different tribunals, each authorized to deal with the same subject-matter at the choice of the suitor."

4.) [BLD 4th.] - A 'Court', - In 'International Law' is "the person [Name] and suite [Body] of the sovereign [Yahweh]; the place where the sovereign sojourns with his regal retinue, wherever that may be."
 - [The triad being of Man, regal retinue, Gen. 1:26,27 & 2:7]
 - 'Wherever that may be' can only be speaking of the People in their sovereign status not a Courts of Equity.

5.) [BLD 4th.] **COURT**, in 'Practice', - "An organ of the government, belonging to the judicial department, whose function is the application of the laws to controversies brought before it and public administration of justice."

6.) Man is the 'Organ' of government as noted when looking in a mirror, his skin is his largest organ and he is in fact an **unincorporated association of organs**. "An agency of the Sovereign created by it directly or indirectly under its authority, . . ." [BLD 4th.]

7.) **MCL 750.368 Simulating legal process.**

(9) As used in this section:

(a) "**Lawful tribunal**" means a tribunal created, established, authorized, or sanctioned by law or a **tribunal of a private organization**, association, or entity to the extent that the organization, association, or entity seeks in a lawful manner to affect only the rights or property of persons who are members or associates of that **organization**, association, or entity.

8.) **18 USC Sec. 18, Organization defined,**

As used in this title, the term "organization" means a person other than an individual.

9.) [BLD 4th.] **JUDICIAL ACT**, "An act which involves exercise of discretion or judgment."
 - It is also defined as an act by **court** or **magistrate** touching rights of parties or property brought before it or him by voluntary appearance, or by prior action of ministerial officers."
 - An act which imposes burdens or confers privileges according to finding of some person or body whether a general rule is applicable or according to discretionary judgment as to propriety.

10.) [BLD 4th.] "A 'court of record' is a judicial **tribunal** having attributes and exercising functions **independently of the person of the magistrate** designated generally to hold it, and proceeding according to the course of **common law**."

11.) [BLD 4th.] **Courts of record and courts not of record**. "The former being those whose acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony, and which have power to fine or imprison for contempt. Error lies to their judgments, and they generally possess a seal. Courts not of record are those of inferior dignity, which have no power to fine or imprison, and in which the proceedings are not enrolled or recorded."

12.) [BLD 4th.] - A 'Court', - In 'International Law' is "the person [Name] and suite [Body] of the sovereign [Yahweh]; the place where the sovereign sojourns with his regal retinue, wherever that may be."
 - [The triad being of Man, regal retinue, Gen. 1:26,27 & 2:7]
 - 'Wherever that may be' can only be speaking of the People in their sovereign status, as 'foreign States', (28 USC Sec. 1604) not inferior Courts of Equity.

13.) [BLD 4th.] **COURT**, "An incorporeal, political being, composed of one or more judges, who sit at **fixed times and places**, attended by proper officers, pursuant to lawful authority, for the administration of justice". (*State v. Le Blond*, 108 Ohio St. 126, 140 N.E. 510, 512)
 - "It is a passive forum for adjusting disputes and has no power to investigate facts or to initiate proceedings."

14.) [BLD 4th.] **INCORPOREAL THINGS**. "In the civil law. Things which can nether be seen nor touched. Such as consist in rights only, such as the mind alone can perceive.
 (*Inst. 2, 2; Civ. Code La. Art. 460; Sullivan v. Richardson*, 33 Fla. 1, 14 So. 692.)

15.) [BLD 4th.] **INCORPOREAL CHATTELS.** "A class of incorporeal rights growing out of or incident to things personal; such as patent-rights and copyrights.
(2 *Steph.Comm.* 72. See *Boreel v. New York*, 2 *Sandf.* (N.Y.) 559.)

16.) [BLD 4th.] **COURT – in PRACTICE,** "A body in the government to which the administration of justice is delegated, A body organized to administer justice, and **including both judge and jury.**"

17.) [BLD 4th.] "A '**court of record**' is a judicial **tribunal** having attributes and exercising functions **independently of the person of the magistrate** designated generally to hold it, and proceeding according to the course of common law." –

18.) **Article 4, Section 2, Clause 1** states; – "The Citizens [Man] of each State shall be entitled to all **Privileges and Immunities** of Citizens in the several States."

19.) [BLD 4th.] **PRIVILEGE,** "A particular and peculiar benefit or advantage enjoyed by a person, company, or class, beyond the common advantages of other citizens. An exceptional or extraordinary power of exemption. A right, power, franchise, or immunity held by a person or class. Against or **beyond the course of the law**"

20.) BLD 4th.] **IMMUNITY,** "Exemption, as from serving in an office, or performing duties which the law generally requires other citizens to perform." - - "**Freedom from duty or penalty.**" - - "The term aptly describes an exemption from taxation." [The Art. 4, Sec. 2 Citizen is immune]

21.) **Webster** also defines "**Person**" within the legal community as a '**human being**' (natural person), or, in a wider sense, an **aggregate of property** - artificial, **conventional**, or juristic **person-**, that is recognized by law as the subject of rights and duties having the status of a slave."

22.) [BLD 4th.] **CONVENTIONAL,** "Depending on, or arising from, the mutual agreement of parties; as distinguished from legal, which means created by, or arising from, the act of the law."

23.) *This is why a man by his 'Conventional' person has the right not to consent, because man is the 'Principal', has the right not to waive immunity, because 'Man'; as an 'international organization', is exempt from their laws, is considered a foreign 'State'.*

24.) [BLD 4th.] **PRINCIPAL,** n. "The source of authority or right, a superintendent."

25.) **Rundle v. Delaware, page 55 U.S. 98-99 -**

Under our own systems of polity, the term "citizen," implying the same or similar relations to the government and to society which appertain to the term, "subject" in England, is familiar to all. Under either system, the term used is designed to apply to man in his individual character and to his natural capacities-- to a being or agent possessing social and political rights and sustaining social, political, and moral obligations. It is in this acceptance only, therefore, that the term "citizen," in the article of the Constitution, can be received and understood. When distributing the judicial power, that article extends it to controversies between "citizens" of different states. This must mean the natural physical beings composing those separate communities, and can by no violence of interpretation be made to signify artificial, incorporeal, theoretical, and invisible creations. A corporation, therefore, being not a natural person, but a mere creature of the mind, invisible and intangible, cannot be a citizen of a state, or of the United States, and cannot fall within the terms or the power of the above mentioned article, and can therefore neither plead nor be impleaded in the courts of the United States. Against this position it may be urged that the converse thereof has been ruled by this Court, and that this matter is no longer open for question. In answer to such an argument, I would reply that this is a matter involving a **construction of the Constitution**, and that wherever the construction or the integrity of that sacred instrument is involved, I can hold myself trammelled by no precedent or number of precedents. **That instrument is above all precedents, and its integrity everyone is bound to vindicate against any number of precedents if believed to**

trench upon its supremacy. Let us examine into what this Court has propounded in reference to its jurisdiction in cases in which corporations have been parties, and endeavor to ascertain the influence that may be claimed for what they have heretofore ruled in support of such jurisdiction.

12.] Under 28 USC Sec.1611, Certain types of property immune from execution,

(a) Notwithstanding the provisions of section 1610 of this chapter, the property of those organizations designated by the President as being entitled to enjoy the privileges, exemption s, and immunities provided by the '**International Organizations Immunities Act**' shall not be subject to attachment or any other judicial process impeding the disbursement of fun ds to, or on the order of, a foregoing state as the result of an action brought in the courts of the United States or of the States. (b) Notwithstanding the provisions of section 1610 of this chapter, the property of a **foreign state** shall be immune from attachment and from execution.

The parcel of property is in Michigan and not within a State as defined in **MCL 600.701** and **MCL 600.745** that would grant the CORPORATE Court of Equity jurisdiction.

FOOTNOTES:

1.) **28 USC Rule 12 (h) Waiver or Preservation of Certain Defenses.**

(3) Whenever it appears by **suggestion of the parties or otherwise** that the court lacks jurisdiction of the subject matter, the court shall dismiss the action.

2.) **18 USC Sec. 18, Organization defined,**

As used in this title, the term "organization" means a person other than an individual.

3.) **Webster's New International Dictionary, [1910] 'Person', (7) Law,** is defined as, "The persons known to international law are '**states**', - *T. E. Holland*, page #1609.

4.) For every man is at first appearance an 'organ', being his skin, with many other 'internal organs' as an international unincorporated association of organs; a lawful 'International Organization'.

5.) [BLD 4th.] **NATION, "A people, or aggregation of men, existing in the form of an organized jural society, usually inhabiting a distinct portion of the earth, speaking the same language, using the same customs, possessing historic continuity, and distinguished from other like groups by their racial origin and characteristics, and generally, but not necessarily, living under the same government and sovereignty.**

6.) My Heavenly Father's Sovereign [Yahweh] presence is vested in the 'Man', and the man's Name is his 'Authorized Representative', his 'Natural Person' which acts as an 'Attorney-in-Fact' as the 'Superior Court of Record' being the 'Tribunal' of 'regal retinue' in law.

7.) [BLD 4th.] "A '**tribunal**' is the seat upon which the judges sit as a court of justice" [Just-us]."

8.) **MCL 750.368 Simulating legal process.**

(9) As used in this section:

(a) **“Lawful tribunal”** means a tribunal created, established, authorized, or sanctioned by law or a tribunal of a private organization, association, or entity to the extent that the organization, association, or entity seeks in a lawful manner to affect only the rights or property of persons who are members or associates of that **organization**, association, or entity.

11.) **18 USC Sec. 18, Organization defined,**

As used in this title, the term “organization” means a person other than an individual.

11.) [BLD 4th.] “A **‘court of record’** is a judicial **tribunal** having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of **common law**.”

5.) **28USC, Sec. 1602-1611** defines an exempt ‘foreign state’ as “an **‘organ’** [28USC Sec.1603 (b)(2)] of a foreign state who is not a ‘citizen’ of a State of the United States”, but a ‘Citizen’ within the several States of America, [Art.4,Sec.2,Cl.1 and see 28USC, Sec. 1746].

6.) **Sec. 1604, Immunity of a foreign state from jurisdiction.**

“Subject to existing international agreements to which the United States is a party at the time of enactment of this Act a foreign state shall be immune from the jurisdiction of the courts of the United States and of the States except as provided in section 1605 to 1607 of this chapter.”

13.] The conclusion being that the Defendants’ represent CORPORATIONS, and each are engaged in RACKETEERING noted in **MCL 750.159i** ‘Prohibited conduct’, and **MCL 750.159q** “Burden of proof; evidence; return or disposal of property; notice; estoppel from denial of allegations in civil trial; admissibility of testimony.” by the noted DEFAULT of the Treasurer agreeing that she doesn’t have a lawful interest in, nor a contract with ‘Lone Star Enterprises’, which is evidenced by billing instruments that are ‘non-negotiable’, being absence of the ‘specie’ of the amount claimed due.

According to **MCL 21.153**, the Treasurer is required only to accept ‘gold and silver coins’ of the United States. The Treasurer “has failed to state a claim upon which relief can be granted”, 28 USC Rule 12(b)(6).

Neither the Treasurer and the Judge have jurisdiction over the property; Parcel No. 59017-008-009-40, property which is not found within the ‘State’ that would grant each of them jurisdiction over, noted in **MCL 600.701** and **MCL 600.745**, as such are in violation of **18USC Sec. 242** Deprivation of rights under the “color of law”,

FOOTNOTES:

1.) **MCL 21.153 Obligations due state or municipality; payment by check or bank draft, date operative; legal tender.**

Sec. 3. Whenever any check or bank draft shall be tendered for the payment of any debt, taxes or other obligation due to the state or to any municipality therein, such check or draft shall operate as a payment made on the date the check or draft was received and accepted by the receiving officer, if it shall be paid on presentation without deduction for exchange or cost of collection. All agencies of the state of Michigan shall request that checks tendered in payment of an obligation due the state shall be made payable to the State of

Michigan. **No receiving officer shall be required to receive in payment of any debt, taxes or other obligation collectible or receivable by him any tender other than gold or silver coin of the United States, United States treasury notes, gold certificates, silver certificates or federal reserve bank notes.**

2.) **Article 1, Sec. 10, Cl.1, "No State shall . . . make any Thing but gold and silver Coin a Tender in Payment of Debts . . ."**

3.) The property 'land survey', **Parcel No. 59017-008-009-40**, is in Michigan and is without the United States, being exempt from taxation.

4.) **MCL 600.701 General personal jurisdiction over individuals.**

Sec. 701. The existence of any of the following relationships between an 'individual' and the 'state' shall constitute a sufficient basis of jurisdiction to enable the courts of record of this state to exercise general personal jurisdiction over the individual or his representative and to enable such courts to render personal judgments against the individual or representative.

(1) Presence in the state at the time when process is served. - [Definition of - 'the' - State defined in MCL 600.2182(e)]

(2) Domicile in the state at the time when process is served.

(3) Consent, to the extent authorized by the consent and subject to the limitations provided in section 745.

5.) **MCL 600.745, "State" defined; agreement of parties as basis for jurisdiction; conditions.**

(1) As used in this section, "state" means any foreign nation, and any state, district, commonwealth, territory, or insular possession of the United States.

(2) **If the parties agreed in writing that an action on a controversy may be brought in this state and the agreement provides the only basis for the exercise of jurisdiction**, a court of this state shall entertain the action if all the following occur:

(a) The court has power under the law of **this state** to entertain the action.

(b) **This state** is a reasonably convenient place for the trial of the action.

(c) **The agreement as to the place of the action is not obtained by misrepresentation, duress, the abuse of economic power, or other unconscionable means.**

(d) The defendant is served with process as provided by court rules.

6.) **As used in MCL 600.2182 Definitions -**

As used in this chapter:

(a) **"Boundaries the United of States"** means the geographic boundaries of the United States, Puerto Rico, the United States Virgin Islands, and any territory or insular possession subject to the jurisdiction of the United States.

(b) **"Law"** includes the federal or a state constitution, a federal or state statute, a judicial decision or order, a court rule, an executive order, and an administrative rule, regulation, or order.

(e) **"State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.** [See MCL 600.2202(d) for definition of 'State']

7.) **As used in MCL 600.2202, Definitions -**

As used in this chapter:

- (a) **"Foreign jurisdiction"** means a state other than this state.
- (b) **"Foreign subpoena"** means a subpoena issued under authority of a court of record of a foreign jurisdiction.
- (c) **"Person"** means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government, or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
- (d) **"State"** means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Indian tribe, or any territory or insular possession subject to the jurisdiction of the United States.

8.) **The same definition is found in MCL 8.3 (o),**
8.3 (o) "State" and "United States" defined.

The word "state", when applied to the different parts of the United States, shall be construed to extend to and include the District of Columbia and the several territories belonging to the United States; and the words "United States" shall be construed to include the district and territories.

9.) *Within both MCL 600. 2182(e) (Parg. 6) and 2202(d) (Parg. 7) they each begin with, "State" means a state of the United States, which can lead to believing that Michigan is included within the term 'United States'. MCL 3.252 settles that question. The "Commonwealth of Michigan" is within the united States of America and is not Territory of the United States.*

10.) **MCL 3.252 Definitions, Sec. 2 (e) "United States"** means the federal government, or any agency or instrumentality of the federal government".
 - *This agrees with 28USC, Sec. 3002, Definitions. – (15) 'United States' means – (A) a Federal corporation.*

14.] The conclusion is that the property tax acts as a **'direct tax'** which is in violation of **Article 1, Sec. 9, Cl.4**, is imposed without the ability to make payment as authorized under **Article 1, Sec. 10, Cl. 1** and under **MCL 21.153**, as such, is a racketeering enterprise noted in **MCL 750.159i**, as such they are in violation of **18USC Sec. 242** 'Deprivation of rights under the color of law', of which Joanne Vukin by tax bills without 'specie' and Susan Kreeger's color of judicial authority noted in **MCL 600.410** and **MCL 600.413** and are both complaisant in.

This relief from the lack of 'due process of law' on patented property includes two other trust properties, that of Midwest Foundation Group and Northern Pines Enterprises.

FOOTNOTES:

U.S. Constitution:

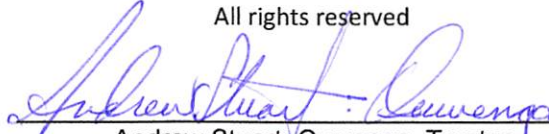
- 1.) **Article 1, Sec. 2, Cl. 3** – "Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union . . ."
- 2.) **Article 1, Sec. 9, Cl. 4** – "No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Censes or enumeration herein before directed to be taken."

15.] **IN CONCLUSION TO BE MADE WHOLE:**

ORDER the 8th. Judicial Circuit Court to comply with the request filed in WRIT OF MANDAMUS, Case No. 22-29102-AA, 02/02/2023.

Without Prejudice & Without Recourse

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 , Auth. Rep.
Andrew Stuart: Owenga, Trustee,
Secured Part Creditor – on file UCC-1

Address c/o: Lone Star Enterprises
P.O. Box 672
Howard City, Michigan [49329]

Common Law Right
Thumb Print Seal: -- >



See Exhibits:
Land Patent
Certified Copy of Deeds
Declaration of acceptance
8th. Circuit Court, Writ of Mandamus, filing 02/02/2023
ORDER dismissing
Tax bill w/o Specie required.



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